

Chapter 11

HUMAN RIGHTS*

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ARTICLE I. IN GENERAL

Secs. 11-1–11-25. Reserved.

ARTICLE II. FAIR HOUSING†

DIVISION 1. GENERALLY

Sec. 11-26. Purposes; construction.

The general purpose of this article is:

- (1) To secure for all people equal access to housing in all neighborhoods; and
 - (2) To preserve the public safety, health and welfare.
- (Code 1964, § 10-11)

Sec. 11-27. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Discriminatory housing practice shall mean an act that is prohibited pursuant to this article.

Elderly person shall mean any natural person fifty-five (55) years of age or older.

Handicapped person shall mean a natural person having a physical or mental impairment which substantially limits one (1) or more of a major life activity of such person and includes a record of such an impairment or being regarded as having such an impairment.

*State law reference—Human rights, 25 O.S. § 1101 et seq.

†Cross reference—Licenses, taxation and miscellaneous business regulations, ch. 12.

State law references—Municipal authority to prohibit discrimination, 25 O.S. § 1702; housing discrimination, 25 O.S. § 1451 et seq.

Housing shall mean any building, structure, or portion thereof which is occupied as, designed, or intended for occupancy as a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Person shall mean and include one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries, the state, and all political subdivisions and agencies thereof.

Restrictive covenants shall mean any specification limiting the transfer, rental, or lease of any dwelling because of race, color, religion, sex, national origin, age, or handicap.

Unlawful discriminatory practice because of age shall mean an act prohibited pursuant to this article against a person at least eighteen (18) years of age or older solely on that basis. (Code 1964, §§ 10-11—10-13)

State law reference—Similar provisions, 25 O.S. § 1451 et seq.

Sec. 11-28. Prohibited acts.

(a) It shall be unlawful, because of race, color, religion, sex, national origin, age or handicap, for any person, or any agent or employee of such person:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of any housing, or otherwise make unavailable or deny any housing.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of housing, or in the provision of services or facilities in connection with any housing.
- (3) To make, print, publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of housing that indicates any preference, limitation, discrimination, or intention to make any such preference, limitation, or discrimination.
- (4) To represent to any person, for reasons of discrimination, that any housing is not available for inspection, sale or rental when such housing is in fact so available.
- (5) To deny any person access, membership or participation in any multiple listing service, real estate broker's organization or other service, organization or facility relating to the business of selling or renting housing, or to discriminate in the terms or conditions of such access, membership, or participation.
- (6) To include in any transfer, sale, rental or lease of housing any restrictive covenant that discriminates, or for any person to honor or exercise, or attempt to honor or exercise, any discriminatory covenant pertaining to housing.

- (7) To refuse to consider the income of both applicants when both applicants seek to buy or lease housing.
- (8) To refuse to consider as a valid source of income any public assistance, alimony or child support, awarded by a court, when that source can be verified as to its amount, length of time received, regularity, or receipt.
- (9) To discriminate against a person in the terms, conditions or privileges relating to the obtaining or use of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing.
- (10) To discharge, demote or discriminate in matters of compensation or working conditions against any employee or agent because of the obedience of such employee or agent to the provisions of this section.
- (11) To solicit or attempt to solicit the listing of housing for sale or lease, by door to door solicitation, in person, or by telephone, or by distribution of circulars, if one (1) of the purposes is to change the racial composition of the neighborhood.
- (12) To knowingly induce or attempt to induce another person to transfer an interest in real property, or to discourage another person from purchasing real property, by representations regarding the existing or potential proximity of real property owned, used or occupied by persons of any particular race, color, religion, sex, national origin, age or handicap, or to represent that such existing or potential proximity shall or may result in:
 - a. The lowering of property values,
 - b. A change in the racial, religious, or ethnic character of the block, neighborhood, or area in which the property is located,
 - c. An increase in criminal or antisocial behavior in the area, or
 - d. A decline in quality of the schools serving the area.
- (13) To refuse to rent or lease housing to a blind, deaf or handicapped person on the basis of the person's use or possession of a bona fide, properly trained guide, signal or service dog.
- (14) To demand the payment of an additional nonrefundable fee or an unreasonable deposit for rent from a blind, deaf or handicapped person for such dog. Such blind, deaf or handicapped person may be liable for any damage done to the dwelling by such dog.
 - (b) No other categories or classes of persons are protected under this article. The fair housing board shall have no authority or jurisdiction to act on complaints based on any kind of discrimination other than those kinds prohibited herein.

(Code 1964, §§ 10-11, 10-12)

State law reference—Similar provisions, 25 O.S. § 1452.

Sec. 11-29. Exceptions.

(a) The provisions of this article do not:

- (1) Prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a reli-

gious organization, association or society, from limiting the sale, rental or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preferences to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

- (2) Apply to a private membership club which is a bona fide club and which is exempt from taxation pursuant to Section 501(c) of the Internal Revenue Code of 1954.
- (3) Prohibit any person from refusing to sell, rent or advertise any housing which is planned exclusively for, or occupied exclusively by elderly persons. Notwithstanding the other provisions of this article, a person may sell, rent or advertise housing to elderly persons only if the housing is planned exclusively for or occupied exclusively by a group of elderly persons.
- (4) Apply to the rental of rooms within housing in which the owner maintains his principal residence, or to the rental of any apartment, in housing containing not more than four (4) units and in which the owner maintains his principal residence.
- (5) Prevent or restrict the sale, lease, rental, transfer or development of housing designed or intended for the use of the handicapped.
 - (b) Nothing in this article shall prohibit the transfer of property by will, intestate succession or by gift.

(Code 1964, § 10-13)

State law reference—Similar provisions, 25 O.S. § 1453.

Secs. 11-30—11-45. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 11-46. Fair housing board created.

There is hereby created a fair housing board of the city composed of five (5) members, to be appointed by the board of commissioners for terms of three (3) years.

(Code 1964, § 10-14)

Cross reference—Boards, commissions, etc., § 2-141 et seq.

Sec. 11-47. Duties of board.

It shall be the duty of the fair housing board to:

- (1) Initiate, receive and investigate complaints charging unlawful housing practices.
- (2) Seek conciliation of such complaints, hold hearings, make findings of fact and publish its findings of fact.
- (3) Adopt such rules and regulations as may be necessary within the limits of this article, and carry out the purpose and provisions of this article.

(Code 1964, § 10-15)

Sec. 11-48. Procedure.

(a) Any person aggrieved by any discriminatory practice prohibited by this article may file with the fair housing board a complaint in writing, under oath. Such complaint shall be signed by the person claiming to be aggrieved and shall state the name and address of the person alleged to have violated the provisions of this article, and shall further set forth the particulars of such violation and may include such other information as may be required by the board. Complaints filed under this section must be filed within thirty (30) days after the alleged violation, and failure to file within such time shall be considered a waiver of the application of this article. The board may issue a complaint on its own initiative at any time it is within the knowledge of the board that a person has violated any of the provisions of this article.

(b) The fair housing board shall investigate each complaint filed with the board and shall attempt an adjustment of such complaint by means of conference and conciliation. Sixty (60) days shall be allowed for the purpose of investigation, conference and conciliation. Upon determination that a complaint is not well-founded, the board shall dismiss such complaint and notify the complainant and respondent in writing of such dismissal. If it appears that the complaint might have merit, the complainants shall be advised of their right under existing state and federal laws.

(c) If conference or conciliation does not result in compliance with this article, the fair housing board shall cause to be issued and serve in the name of the city a written notice, together with a copy of such complaint, requiring the person named in such complaint, hereinafter referred to as respondent, to answer charges of such complaint at a hearing before the board at a time and place to be specified in the notice.

(d) At the hearing, provided for in subparagraph (c) above, the complaint shall be heard by the fair housing board. At the hearing, the complainant or person aggrieved may appear in person and/or by counsel and the respondent may file a written answer to the complaint and may appear in person or by legal counsel. The board, when conducting any hearing, pursuant to this section, may permit amendments to any complaint or answer, and the testimony taken at the hearing shall be under oath and shall be transcribed at the request of either party or at the direction of the board, the party requesting the transcription to be responsible for the costs thereof. If the board finds at such bearing that the respondent has engaged in any discriminatory practice, prohibited by this article, it shall state its findings of fact and shall so certify the matter to the city attorney for appropriate action. No prosecution shall be brought under this article except upon such certification.

(e) If the fair housing board, upon hearing, finds that the respondent has not engaged in any discriminatory practice, it shall state its findings of fact, and shall issue and file an order dismissing the complaint. The board shall establish rules and regulations to govern and expedite and effectuate the foregoing procedure, and shall maintain the files provided for herein.

(Code 1964, § 10-16)

Sec. 11-49. Notices.

Any and all notices required under the provisions of this article to be served upon any person may be served personally on such person, or by mailing a copy thereof by certified or

registered mail, with return receipt requested, to the most current business or residence address of such person.

(Code 1964, § 10-17)